

## **REMARKS**

### **Withdrawal of the Previously Proposed But Rejected Amendments**

Applicant has previously filed a Response under 37 CFR § 1.116 on March 16, 2006 with proposed claim amendments. However, since the Response was filed after issuance of a Final Office Action, the Examiner refused to enter the proposed claim amendments into the record (see the April 5, 2006 Advisory Action).

Applicant hereby withdraws the previous § 1.116 Amendment and requests that this amendment submitted under 37 CFR § 1.114 along with a Request for Continued Examination (RCE) be entered and the examination of the application be continued.

### **Formal Matters**

Claims 1-16 are the claims currently pending in the Application. Claims 2, 3, 5, 9, 13, and 14 are amended herein; claims 17-35 are added, and claims 1, 4, 6-8, and 10-12 are cancelled. Support for new claims 17 and 18 is found in the specification, page 7, line 21 to page 8, line 13, and in original claim 1. For new claim 19, support is found in claim 2. Support for claims 20-22 is found in claim 3; support for claims 23-28 is found in claim 5; support for claims 29-34 is found in claim 9 and support for claim 35 is found in claim 13. No impermissible new matter has been added.

### **Rejection of Claim 1 under 35 U.S.C. § 102(e)**

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Lutterschmidt (U.S. 6,356,947). This rejection should be withdrawn based on the comments and remarks herein.

Claim 1 is canceled herein and replaced with independent claim 17. Claim 17 recites the feature of a plurality of apparatuses each comprising a contents file and a contents monitoring unit. By contrast, Lutterschmidt discloses a method and system for supplying client nodes with data streams with different content (abstract), wherein status data is stored in the storage unit of the central server node (column 5, lines 19, lines 24-26). Lutterschmidt does not disclose or suggest that the client nodes or other apparatuses comprise status or contents files, or contents monitoring units. Thus, Lutterschmidt does not disclose or suggest all of the features of independent claim 17. Accordingly, applicant requests that this rejection now be withdrawn.

**Rejection of Claims 1 and 14-16 under 35 U.S.C. § 102(b)**

Claims 1 and 14-16 are rejected under 35 U.S.C. § 102(b) are being anticipated by Sims et al. (U.S. Patent 5,434,775). This rejection should be withdrawn based on the comments and remarks herein.

Applicant herein cancels claim 1. Claims 14-16 depend from new independent claim 17 which, as stated above, recites a plurality of apparatuses connected to a network wherein each apparatus of the plurality of apparatuses comprises a contents file and a contents monitoring unit, such that when the apparatus modifies the contents file, the contents monitoring unit outputs contents modification information.

Sims discloses tracking the locations of a plurality of devices using a network of communication links (abstract). A data management computer maintains an inventory database for all devices currently in the hospital inventory (column 13, lines 4-6). Sims does not disclose or suggest each apparatus having a contents file or a contents

monitoring unit; instead, the inventory database maintains up-to-date information about the location and condition of each device (column 13, lines 14-16). Therefore Sims does not

disclose or suggest all of the recitations of independent claim 17.

Claims 14-16 depend from independent claim 17, and thus incorporate novel and nonobvious features thereof. Accordingly, claims 14-16 are patentably distinguishable over the prior art for at least the reasons that independent claim 17 is patentably distinguishable over the prior art. Therefore, this rejection should now be withdrawn.

#### **Rejection of Claim 1 under 35 U.S.C. § 103**

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams et al. (U.S. Patent 6,415,289) in view of Hasegawa et al. (U.S. Patent 6,370,587). This rejection should be withdrawn based on the comments and remarks herein.

Applicant herein cancels claim 1. Claim 2 depends from new independent claim 17 which, as stated above, recites a plurality of apparatuses connected to a network wherein each apparatus of the plurality of apparatuses comprises a contents file and a contents monitoring unit, such that when the apparatus modifies the contents file, the contents monitoring unit outputs contents modification information.

Williams et al. discloses a database server having a storage device on which a database of information about the information stored on the storage devices is maintained (column 6, lines 11-14), and further discloses clients which may request information from

the storage device (column 6, lines 65-66). Williams et al. does not disclose or suggest clients or apparatuses comprising either contents files or contents monitoring units.

Hasegawa et al. discloses a network interconnection device connected between at least two types of networks of different protocol (abstract), and further discloses that these network connection devices are monitored for connection states (column 14, lines 50-67). No teaching or suggestion that the network communication devices contain either contents files or contents monitoring units is given in Hasegawa et al.

Thus the hypothetical combination of Williams et al. and Hasegawa et al. does not disclose or suggest all of the features recited in applicant's independent claim 17. Because a plurality of apparatuses each having a contents file and a contents monitoring unit is a feature not taught or suggested in either Hasegawa or Williams, this rejection should now be withdrawn.

**Rejection of Claims 3, 4, 5-8 and 9-12 under 35 U.S.C. § 103**

Claims 3, 4, 5-8 and 9-12 are rejected under 35 U.S.C. § 103 as being obvious from Williams and Hasegawa in view of Takahashi et al., U.S. Patent Publication No. 2002/0035620. This rejection should be withdrawn based on the comments and remarks herein.

As discussed, Williams and Hasegawa do not disclose or suggest the above-cited features of independent claim 17. Takahashi does not cure these deficiencies. Claims 2, 3, 5, and 9 depend from independent claim 17, incorporating the features and limitations therein. Claims 4, 6-8, and 10-12 are cancelled. Applicants respectfully traverse the rejection since even presuming *arguendo* that it would have been obvious to combine the references as urged by the Examiner, the combined teachings of

the references would not result in that which is claimed. Therefore, this rejection should now be withdrawn.

### **Rejection of Claim 13 under 35 U.S.C. § 103**

Claim 13 is rejected under 35 U.S.C. § 103 as being obvious from Williams, Hasegawa and Takahashi in view of the Official Notice taken by the Examiner. This rejection should be withdrawn based on the comments and remarks herein.

The Official Notice taken by the Examiner, even if it were proper, does not cure the deficiencies of the cited references as they relate to the above-discussed features of independent claim 17 of Applicant's invention. Claim 13 depends from independent claim 17, incorporating all of the features and limitations therein. Even presuming *arguendo* that it would have been obvious to combine the references as urged by the Examiner, the combined teachings of the references would not result in that which is claimed. Therefore, this rejection should now be withdrawn.

### **Conclusion**

For at least the reasons set forth in the foregoing discussion, Applicant believes that the application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the application.

Should the Examiner have any questions regarding this amendment or the application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Katherine R. Vieyra".

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